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Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James A. Truc, et al

CD INDEX PRINT LABEL

Serial No. 10/630,049

Filed 30 July 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 2851

Examiner: Christopher E. MAHONEY

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen J. Wacenske

Karen J. Wacenske

2-17-06
Date

Sir:

REQUEST FOR RECONSIDERATION

In response to the final Office Action of November 18, 2005, Applicants' provide the following remarks for consideration.

Applicants request withdrawal of the finality of the November 18, 2005, Office Action. The rejection set forth in the Office Action is presented for the first time, although the art was previously noted by Examiner Gray in the Advisory Action dated January 31, 2005. The Patent Office has had at least two prior opportunities to raise any rejection over the applied art of Kubo but has failed to do so. Applicants' amendments to the claims did not necessitate the rejection, as admitted by the absence of such statement in the November 18, 2005, Office Action, and for the reasons set forth below, namely that the amendments teach away from Kubo. The finality of the rejection is improper, and withdrawal of such finality is in order and respectfully requested.

Pending claims 8, 10, 11, and 13-40 are rejected under 35 U.S.C. §102(e) over Kubo, US Pub. No. US 2002/0122378 A1. For at least the following reasons, Applicants traverse the rejection.

In the response filed August 24, 2005, Applicants amended all independent claims 8, 10, 11, 13, 15, 19, 22, 26, 30, 33, and 37 to recite that: